

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference P34861-P0 | FOR FURTHER ACTION | | See Form PCT/IPEA/416 |
| International application No. PCT/JP2004/008420 | International filing date (day/month/year) 09.06.2004 | Priority date (day/month/year) 11.06.2003 | |
| International Patent Classification (IPC) or national classification and IPC | | | |
| <p>Applicant MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.</p> | | | |

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of **4** sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. (*sent to the applicant and to the International Bureau*) a total of **3** sheets, as follows:
 - sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

| | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

| | |
|---|-----------------------------------|
| Date of submission of the demand | Date of completion of this report |
| Name and mailing address of the IPEA/JP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT / JP2004/008420

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following which is the language of a translation furnished for the purposes of:

international search (Rule 12.3 and 23.1(b))
 publication of the international application (Rule 12.4)
 international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:
 pages 1-45 as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

the claims:
 nos. 1-14, 16-52, 57-65 as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 nos.* _____ received by this Authority on _____
 nos.* 53, 56 received by this Authority on 11.04.2005

the drawings:
 sheets 1-12 as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. 15, 54, 55
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | |
| 1. Statement | | | |
| Novelty (N) | Claims | <u>1-14, 16-53, 56-65</u> | YES |
| | Claims | _____ | NO |
| Inventive step (IS) | Claims | <u>1-14, 17-23, 26-52, 57-65</u> | YES |
| | Claims | <u>16, 24, 25, 53, 56</u> | NO |
| Industrial applicability (IA) | Claims | <u>1-14, 16-53, 56-65</u> | YES |
| | Claims | _____ | NO |
| 2. Citations and explanations (Rule 70.7) | | | |
| Document 1: JP 11-250629 A (Toshiba Corporation), 17 September 1999 | | | |
| Document 2: JP 2003-32632 A (NEC Corporation), 31 January 2003 | | | |
| Document 3: JP 10-275425 A (Toshiba Corporation), 13 October 1998 | | | |
| <p>The invention set forth in claim 16 does not involve an inventive step in the light of document 2 cited in the international search report. Document 2 does not indicate that "a metadata element and an audio data element are placed in front of a video data element", but in positioning a metadata element and audio data element relative to a video data element involves one of two options of positioning in front or behind, therefore a person skilled in the art would select one or the other. The aforementioned matter is therefore suggested by document 2. It would therefore be easy for a person skilled in the art to conceive of employing said feature.</p> | | | |
| <p>The invention set forth in claims 53 and 56 does not involve an inventive step in the light of documents 1 and 2 cited in the international search report. The "video</p> | | | |

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Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

attributes and audio stream attributes" disclosed in document 1 correspond to data which identifies the type of data, and belongs to a closely related technical field to that of the "data length" set forth in document 2. It would therefore be easy for a person skilled in the art to conceive of applying the aforementioned feature set forth in document 1 to the aforementioned feature set forth in document 2.

The invention set forth in claims 24 and 25 does not involve an inventive step in the light of document 1 cited in the international search report and newly cited document 3. The "video data and audio data" set forth in document 1 and the feature wherein "if a defect region occurs in a recording medium, data is shifted and repositioned according to the defect region" set forth in one type of newly cited document belong to closely related technical fields, therefore it would be easy for a person skilled in the art to conceive of applying the aforementioned feature set forth in document 1 to the aforementioned feature set forth in document 3.

The inventions set forth in claims 1 to 14, 17 to 23, 26 to 52, and 57 to 65 are not disclosed in any of the documents cited in the international search report, and would not be obvious to a person skilled in the art.